

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Adopted Rules

### ■ DNR SITE ACTIVITIES

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Public Use of State Parks and Other Properties of the Department of Natural Resources (17 IAC 110; 45 Ill Reg 8245), effective 9/24/21, addressing use of State parks and other DNR properties for group events and other functions. Those affected by this rulemaking include small businesses and non-profit entities.

#### Group Permits

Any group of more than 20 (formerly 25) persons must obtain an activity permit before gathering or hosting an event on DNR-owned, -managed or -leased property. The permit fee is \$25 (in addition to any other fees that may be required). For groups that include persons under age 18, at least one person age 18 or older must accompany the group, and

### COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

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each adult can accompany no more than 15 minors. Groups may also be required to obtain liability insurance in an amount set by DNR, which must include dram shop insurance if alcohol will be served at the event. The group must also agree to hold DNR harmless against damage or injury caused by willful or negligent actions of the group or any persons

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## Proposed Rulemakings

### SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to the Parts titled Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 12250), Educator Licensure (23 IAC 25; 45 Ill Reg 12277), Standards for Endorsements in Special Education (23 IAC 28; 45 Ill Reg 12296), Standards for Administrative Endorsements (23 IAC 29; 45 Ill Reg 12375), New Teacher Induction and Mentoring (23 IAC 65; 45 Ill Reg 12393), Illinois Hope and Opportunity Pathways Through Education Program (23 IAC 210; 45 Ill Reg 12398), Special Education (23 IAC 226; 45 Ill Reg 12404) Alternative Learning Opportunities Program (23 IAC 240; 45 Ill Reg 12429), Driver Education (23 IAC 252; 45 Ill Reg 12442) and Special

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**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.  
**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.  
**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.  
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.  
**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

# Adopted Rules

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in attendance at its event. Groups may be denied permits if the Site Superintendent determines that the event/gathering would be detrimental to public health, safety or natural resources at the site, or that the site's layout or physical infrastructure (e.g., parking, roadways, toilet facilities, other events taking place at or near the same time) cannot accommodate the event.

## Site Fees

Fees for designated swimming beach areas will be \$2 per person (formerly \$1; the fee does not apply at Illinois Beach State Park) and \$50 per day (formerly \$25) for picnic shelter reservations plus a \$50 disposal fee if picnic participants fail to properly dispose of their trash. DNR may also charge facility usage fees for exclusive use of the World Shooting Recreation Complex or of any site space that is not available via an online reservation program. These fees will be set by DNR based on impact to the site, size of the event, level of demand, time of day and year, need for DNR staff involvement, and fair market value for the region.

## Permits to Sell

Persons or entities that charge admission fees, sell items, or otherwise collect money or items as part of an event on DNR property, including events held on DNR managed/controlled property during the Illinois State Fair or DuQuoin State Fair, must complete a permit to sell

application form. Revenue generated from these events is subject to a 10% fee (15% for events held during either State Fair) payable to DNR upon completion of the event. The activity permit application fee may be deducted from this amount and all funds received will be allocated to the site where collected.

## Friends Groups

Groups dedicated to enhancing, preserving and protecting DNR properties may be designated by DNR as Friends Groups (e.g., Friends of Wildlife Prairie State Park). These groups provide interpretive and educational activities, volunteer on a regular basis to promote, support, repair and develop DNR properties, and may also sponsor activities and outdoor recreation at the site. Friends Groups reinvest or return to the site all profits made from fundraisers, events, donations and sales (including souvenir/gift shop sales) and are exempt from activity permit, facility usage and permit to sell fees. Prospective Friends Groups must submit to DNR a letter of intent, a copy of the organization's mission statement and by laws, and documentation of good standing as a non-profit corporation and of federal 501(c)(3) tax exempt status. Approval of a Friends Group will be based on the site's current needs, the organization's history and accomplishments, and the organization's size and abilities.

## Historical Encampments

Persons or entities participating in encampments (events reenacting

life in Illinois during the 18<sup>th</sup> and early 19<sup>th</sup> centuries, e.g., Native American/French settlement period) must file a completed application or agreement for the event at least 30 days in advance. Required fees, if any, shall be submitted with the application or paid after the event in the required percentage from vendor sales. Persons engaging in primitive/historic camping must submit primitive camping permit applications. Food vendors must list all food items to be sold and their prices (any changes must be approved by DNR) and pay 10% of their gross sales (5% if the vendor is a non-profit, tax exempt organization) to DNR at the close of the last day of the encampment. Merchants, blanket traders and traditional craftsmen must submit their respective applications in advance with fees of \$200 for merchants and \$100 for blanket traders and craftsmen.

## Reduction/Waiver of Fees

DNR may reduce or waive facility usage fees, permit fees, or permit to sell fees if an event is hosted by a school or educational mission; if it is a conservation-oriented event that furthers DNR's mission; or based on the amount of DNR staff time required or the impact on the site.

## Cremation

Scattering of cremated human remains on DNR property is allowed only under the terms and conditions of a permit, which must be requested at least 14 days in

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# Proposed Rulemakings

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Education Facilities under Section 14-7.02 of the School Code (23 IAC 401; 45 Ill Reg 12450). These proposed amendments will, upon adoption, replace emergency amendments adopted 8/26/21. The rulemakings implement Public Act 102-73, which allows students with Individualized Education Plans who reached their 22<sup>nd</sup> birthday while in-person instruction was suspended for 3 months or more due to the COVID-19 public health emergency to remain eligible for services through the end of the 2021-22 school year. The amendments to each Part replace age 21, in references to the maximum age for special education eligibility, with “Eligible Age” and define “Eligible Age” as either age 21, or age 22 for students who meet the criteria specified in the Public Act. Special education service providers and cooperatives are affected by these rulemakings.

*Questions/requests for copies/comments on the 10 SBE rulemakings through 11/22/21: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, (217) 782-6510, [rules@isbe.net](mailto:rules@isbe.net)*

## ■ CHILD SCREENING

The DEPARTMENT OF PUBLIC HEALTH proposed a new Part titled Socio-Emotional and Developmental Screening (77 IAC 664; 45 Ill Reg 12238) implementing amendments made

## Emergency Rules

### ■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 45 Ill Reg 12872) effective 10/1/21 for a maximum of 150 days. Identical proposed amendments appear in this week’s *Illinois Register* at 45 Ill Reg 12455. The emergency and proposed amendments establish, through 6/30/22, a temporary 3-month period of eligibility for the Child Care Assistance Program (CCAP) for parents who have not yet secured a work, training or educational activity that would normally qualify them for CCAP. The change will enable parents who are currently unemployed due to the COVID-19 pandemic to receive child care assistance while they seek jobs or complete enrollment in an education or training program.

*Questions/requests for copies/comments on the proposed rulemaking through 11/22/21: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Floor, Springfield IL 62762, 217/785-9772.*

### ■ NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Skilled Nursing and

Intermediate Care Facilities Code (77 IAC 300; 45 Ill Reg 12889), effective 9/21/21, modifying an earlier emergency rule (45 IR 10847) that was effective 8/19/21 for the remainder of its 150-day term. The emergency amendment updates the Part to incorporate new federal guidelines on antibiotic stewardship (limiting use of antibiotics in order to prevent development of antibiotic-resistant infections) and aligns the COVID-19 testing and infection control policies for skilled/intermediate care nursing homes with those adopted by DPH for other long term care facilities in 77 IAC 295, 330, 350, 370, 380, and 390. All residents and staff, whether vaccinated or not, must be tested for COVID-19 when any resident or staff member tests positive, and tested again every 3-7 days until no new positive tests are recorded for at least 14 days. The same testing frequency applies to residents who show symptoms of COVID-19 and who have left the facility for medical treatment (e.g., dialysis) and returned. Nursing homes are affected by this emergency rule.

*Questions/requests for copies: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, (217)782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

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# Adopted Rules

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advance of the planned scattering. Cremated remains may not be scattered within nature preserves, land and water reserves, natural areas, State historic sites or memorials, or other properties designated by law. Scattering must take place out of sight of any public use areas and at least 200 feet from any body of water, watercourse or stream bed (wet or dry). Persons conducting the scattering must keep a copy of the permit in their possession at all times and must not leave behind any identifiable accumulation of ashes or any container, urn, cross or other memorial marker. Planting of memorial trees or placement of flowers is also prohibited.

## Other

The rulemaking also clarifies that service animals being utilized in accordance with the Americans With Disabilities Act are exempt from bans or restrictions on pets; clarifies restrictions applicable to motor vehicles, motor-driven cycles and low speed electric bicycles; forbids use of motorized watercraft on lakes of less than 40 (formerly, 60) acres on DNR property; and forbids use of firewood obtained more than 50 miles from a DNR site unless the wood has been certified by the U.S. Department of Agriculture or by a regulatory agency of Illinois or another state.

## ■ HUNTING & TRAPPING

DNR also adopted amendments to the following 16 Parts, effective 9/

24/21: General Hunting and Trapping on Department-Owned or –Managed Sites (17 IAC 510; 45 Ill Reg 7587); Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 45 Ill Reg 7595); Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 45 Ill Reg 7624); Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 45 Ill Reg 7640); White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 45 Ill Reg 7730); White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; 45 Ill Reg 7756); White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 45 Ill Reg 7775); Special White-Tailed Deer Season for Disease Control (17 IAC 675; 45 Ill Reg 7800), Late-Winter Deer Hunting Season (17 IAC 680; 45 Ill Reg 7807), Youth Hunting Seasons (17 IAC 685; 45 Ill Reg 7816); Squirrel Hunting (17 IAC 690; 45 Ill Reg 7832); The Taking of Wild Turkeys – Spring Season (17 IAC 710; 45 Ill Reg 7845); The Taking of Wild Turkeys – Fall Gun Season (17 IAC 715; 45 Ill Reg 7868); The Taking of Wild Turkeys – Fall Archery Season (17 IAC 720; 45 Ill Reg 7880); Dove Hunting (17 IAC 730; 45 Ill Reg 7894); and Crow, Woodcock, Snipe, Rail and Teal Hunting (17 IAC 740; 45 Ill Reg 7913). The Part 510 amendments clarify that it is unlawful to hunt or trap while under the influence of

cannabis (as well as alcohol or illegal drugs) and that ground blinds (as well as tree stands) cannot be attached to a tree by nails or any device that pierces or cuts the tree bark. The rulemaking also provides that special hunting or trapping permits (issued when demand exceeds the capacity of the site) may be allocated by random drawing, that hunter and trapper quotas will be filled equally with resident adults and youth who have not hunted or trapped in more than 2 of the previous 5 years, and that if openings remain available in either the adult or youth category due to fewer applicants, those vacancies will be available to the other age category. Amendments to Parts 530 through 740 implement DNR's annual updates to hunting and trapping rules, which include opening or closing of State-managed sites to hunting and trapping; changes in hunting days/hours or other restrictions; clarifications of defined terms; and changes in procedures for obtaining hunting or trapping licenses or reporting the number of animals harvested. Amendments to Parts 650 through 685 and Parts 715 and 720 also provide that DNR will refund fees for deer hunting and fall turkey hunting permits when a permit cannot be used due to the closure of a site during a declared emergency/disaster or the illness or death of the permit holder; when the applicant did not obtain a permit in the lottery to which the applicant applied; when the permit was issued in error; or the permit

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# Proposed Rulemakings

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to the School Code by PA 99-927, which requires DPH to promulgate rules regarding age-appropriate social, emotional, and developmental screenings of school-aged children using validated screening tools. DPH will post on its website the approved screening tools that may be used. Petitions to add new screening tools may be submitted to DPH via its website. Screenings in schools may be administered only by licensed physicians, physician assistants, advanced practice registered nurses, licensed clinical psychologists, or licensed clinical social workers. Screenings shall be scheduled in conjunction with the required child health exams/school physicals administered to children within 1 year prior to entering preschool, kindergarten or 1<sup>st</sup> grade, 6<sup>th</sup> grade, and 9<sup>th</sup> grade in any public or non-public school, or upon entering any new school. If documentation of a completed screening is not presented to the school by Oct. 15 of the school year for which the screening is to be conducted, school personnel may offer the child an opportunity to be screened with the consent of the child's parent or guardian. However, a child cannot be excluded from school due to failure to complete the screening and screening results will not be included in the student's school records. Those affected by this rulemaking include schools and medical providers that perform developmental screenings.

*Questions/requests for copies/ comments through 11/22/21: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## ■ RETIREMENT SAVINGS

The OFFICE OF THE STATE TREASURER proposed amendments to Secure Choice Savings Program (74 IAC 721; 45 Ill Reg 12499) This rulemaking implements PA 101-179, which expands the Secure Choice Savings Program (a voluntary retirement savings program) to include employers with 5 or more employees (rather than 25 or more employees). The rulemaking also provides that contributions to the program shall automatically increase by 1% of the participating employee's wages at the beginning of each calendar year, up to a maximum of 10%, unless the employee opts out of automatic escalation. Eligible enrollees shall be notified of the increase in advance and allowed to opt out or make other changes to their contribution rate. Small businesses are affected by this rulemaking.

*Questions/requests for copies/ comments through 11/22/21: Barbara Delano, Office of the State Treasurer, 100 W. Randolph Street, Suite 15-600, Chicago IL 60601, 217/720-0677, fax: 312/ 814-5930, [BDelano@illinois.treasurer.gov](mailto:BDelano@illinois.treasurer.gov)*

## PUBLIC INFORMATION

The Treasurer also proposed amendments to Access to Records of the Office of the State Treasurer (2 IAC 651; 45 Ill Reg 12466), updating the Part to reflect changes to the Freedom of Information Act and better reflect current practices. Requests for public records will normally receive a response within 5 business days unless extended for reasons outlined in FOIA (e.g., the size of the request). A denial may be appealed to the Public Access Counselor within the Office of the Attorney General. Types of records that are exempt from disclosure, along with fees that may be charged for paper and electronic records, are included.

*Questions/requests for copies/ comments through 11/22/21: Chris Flynn, Office of the State Treasurer, 1 East Old State Capitol Plaza, Springfield IL 62701, 217/524-3822, fax: 312/ 814-5930, [CFlynn@illinois.treasurer.gov](mailto:CFlynn@illinois.treasurer.gov)*

## UNINSURED DRIVERS

The SECRETARY OF STATE proposed amendments to Illinois Safety Responsibility Law (92 IAC 1070; 45 Ill Reg 12457) implementing Public Act 102-052, which allows SOS to reinstate a driver's license that has been suspended for failing to post security following a crash involving an uninsured motorist if the statute

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## Adopted Rules

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was returned before the first day of the hunting season. Those affected by these rulemakings include hunting permit vendors, outfitters and guides.

*Questions/requests for copies of the 17 DNR rulemakings: John Fischer, DNR, One Natural Resources Way, Springfield, IL 62702, 217/782-1809.*

### ■ SEXUAL ASSAULT

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 45 Ill Reg 7957) effective 9/24/21, implementing PA 101-377 and other requirements of the Sexual Assault Survivors Emergency Treatment Act. The rulemaking establishes

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of limitations for filing suit has expired, or to return a previously posted security upon the expiration of the statute of limitations.

*Questions/requests for copies/ comments through 11/22/21: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

qualifications for sexual assault forensic examiners (SAFEs), which include training that meets guidelines established by the International Association of Forensic Nurses. The Office of the Attorney General will review documents submitted by physicians or physician assistants seeking certification as either adult/adolescent or pediatric/adolescent SAFEs. The rulemaking also requires hospitals and approved pediatric health care facilities to register with the Illinois State Police for access to the CheckPoint sexual assault evidence tracking system. Hospitals, pediatric health care facilities, and prospective SAFEs are affected by this rulemaking.

### ■ ALZHEIMER'S CARE

DPH also adopted amendments to Alzheimer's Disease and Related Dementias Services Code (77 IAC 973; 45 Ill Reg 7239) effective 9/22/21, concerning initial training requirements for persons employed by DPH-licensed entities that provide care to persons with dementia. For newly hired staff with direct access to Alzheimer's/dementia patients, this rulemaking clarifies that at least 6 hours of Alzheimer's/ dementia care training completed within the year prior to hiring fulfills the existing requirement to complete at least 6 hours training within 60 days after hiring. The rulemaking also clarifies that this initial 6-hour training fulfills, for the first year of employment, an annual requirement of at least 3 hours of

advanced training. Those affected by this rulemaking include nursing homes and assisted living facilities.

*Questions/requests for copies of the 2 DPH rulemakings: Tracey Trigillo, DPH, 524 S. 2nd St., 6th Fl., Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

### ■ FINANCIAL INSTITUTIONS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted a new Part titled Hearings Before the Division of Banking and Division of Financial Institutions (38 IAC 100; 45 Ill Reg 6503) effective 9/23/21, establishing consistent hearing rules for all administrative proceedings conducted by DFPR's Divisions of Banking and Financial Institutions. The new Part includes provisions for remote hearings, electronic service of documents by e-mail, and other technological changes. It also aligns DFPR's rules for these hearings more closely with its rules for hearings conducted by its other divisions (Professional Regulation and Real Estate). Banks and other DFPR-regulated financial institutions are affected by this rulemaking.

*Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 2nd Fl., Springfield IL 62786, 217/785-0813, fax: 217/557-4451.*

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## Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be listed in next week's *Illinois Register* and considered at the October 19, 2021 JCAR meeting in Springfield. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### DEPT OF NATURAL RESOURCES

Duck, Goose and Coot Hunting (17 IAC 590; 45 Ill Reg 7657) proposed 6/25/21

### IL STUDENT ASSISTANCE COMMISSION

Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2763; 45 Ill Reg 10269) proposed 8/13/21

## Adopted Rules

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### COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD adopted amendments to the Part titled Administration of the Illinois Public Community College Act (23 IAC 1501; 44 Ill Reg 17524) effective 9/21/21, limiting approval of statewide and regional curricula to 3

years at a time (instead of continuing approval indefinitely) and including a pandemic among the emergencies that may require a community college to shorten its term.

Questions/requests for copies: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, [matt.berry@illinois.gov](mailto:matt.berry@illinois.gov)

## Joint Committee on Administrative Rules

**Senator Bill Cunningham, *co-chair***

**Representative Tom Demmer**

**Senator John F. Curran**

**Representative Michael Halpin**

**Senator Donald DeWitte**

**Representative Frances Ann Hurley**

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